



**Fox Rothschild** LLP  
ATTORNEYS AT LAW

Citizens Bank Center  
919 N. Market Street  
Suite 300  
Wilmington, DE 19899-2323  
Tel (302) 654-7444 Fax (302) 656-8920  
www.foxrothschild.com

SETH A. NIEDERMAN  
Direct No: 302.622.4238  
Email: SNiederman@FoxRothschild.com

April 26, 2021

**BY FIRST CLASS MAIL AND ECF**

The Honorable Colm F. Connolly  
United States District Judge  
United States District Court  
J. Caleb Boggs Federal Building  
844 N. King Street, Unit 31  
Room 4124  
Wilmington, DE 19801-3555

**Re: *Yucaipa American Alliance Fund II, L.P., et al v.*  
*ASHINC Corporation, 1:18-cv-01467 (D. Del) (CFC)***

Dear Judge Connolly:

Pursuant to Your Honor's Oral Order dated April 13, 2021, the parties respectfully submit this joint status report.

Litigation of the Related Proceedings<sup>1</sup> is ongoing. The parties each filed summary judgment motions on May 1, 2020, which were fully briefed on December 18, 2020. Oral argument took place on February 4, 2021, and the motions are *sub judice*.

---

<sup>1</sup> The Related Proceedings are (1) *Catherine E. Youngman, Litigation Trustee for ASHINC Corp., et al. v. Yucaipa American Alliance Fund I, L.P., et al.*, Adv. Pro. No. 13-50530 (Bankr. D. Del.), and (2) *Catherine E. Youngman, Litigation Trustee for ASHINC Corp., et al. v. Yucaipa American Alliance Fund I, L.P. et al.*, Adv. Proc. No. 14-50971 (Bankr. D. Del.).

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota  
Nevada New Jersey New York North Carolina Pennsylvania South Carolina Texas Washington



The Honorable Colm F. Connolly  
United States District Judge  
United States District Court  
April 26, 2021  
Page 2

The parties agree that in the interest of preserving judicial resources, the above-referenced appeal should remain stayed subject to Your Honor's Order of October 18, 2018 (D.I. 6).

The parties are available at the Court's convenience should Your Honor have any questions.

Respectfully,

*/s/ Seth A. Niederman*

Seth A. Niederman  
DE Bar No. 4588

SAN:mls

cc (via ECF):

Michael R. Nestor, Esq.  
Michael S. Neiburg, Esq.  
Mark D. Collins, Esq.